IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRTY FIRST DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 15484 of 2004

Between:

V. Srinivasulu, S/o. Venkata Ramulu,
R/o. Balepalem, Kanaganepalli Mandal,
Anantapur District.

..... PETITIONER

AND

1 Government of Andhra Pradesh, Labour, Employment, Training & Factories (LAB-1) Department, rep by it Principal Secretary, Secretariat, Hyderabad.
2 The Depot Manaager, Andhra Pradesh State Road Transport Corporation, Dharmavaram Depot, Dharmavaram, Anantapur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order direction or writ particularly one in the nature of writ Mandamus or any other appropriate writ declaring the action of the 1st respondent in refusing to refer the dispute for adjudication for the industrial tribunal vide proceedings No. 51/Lab.1/A2/2004-1 dated 5-2-2004 and direct the 1st respondent to refer the dispute for adjudication to the Industrial Tribunal-cum-Labour Court and pass

Counsel for the Petitioner: MR.G.VIDYASAGAR

Counsel for the Respondent No.1: GP FOR LABOUR

Counsel for the Respondent No.2: MR.P.VINAYAKA SWAMY

SC FOR APSRTC

The Court made the following:

ORAL ORDER:

The petitioner is working as a conductor in second respondent-Corporation since 22-11-1987. In the year 1988 he was issued a charge sheet for certain ticket irregularities and ultimately he was removed from service through order, dated 25-10-1988. Aggrieved by the said order, the petitioner after exhausting the remedy on appeal filed I.D.No.135 of 1989 before the Labour Court and the Labour Court passed an award on 4-9-1990 directing the respondent-Corporation to reinstate the petitioner into service with continuity of service, but without back wages.

In pursuance of the order of the labour Court, the petitioner was reinstated, but the direction of the Labour Court regarding the continuity of service was not implemented.

The grievance of the petitioner is that due to non-implementation of the direction of continuity of service, his services were not regularized on par with the other similarly placed candidates. Ultimately, the petitioner made a representation to the Assistant Commissioner of Labour, Ananthapur on 21-7-2003 and the Assistant Commissioner sent a failure report to the Court after conciliation on 31-10-2003.

The grievance of the petitioner is that the Government instead of referring the matter for adjudication to the Labour Court, refused on the ground that the dispute raised by the petitioner does not merit reference for adjudication as it was raised after a lapse of eleven years one month. The petitioner therefore, approached this Court being aggrieved by the order of the first respondent dated 5-2-2004 seeking writ of Mandamus to direct the first respondent to refer the matter to the Labour Court by setting aside the order of the Government dated 5-2-2004.

If the direction of the labour Court regarding the continuity of service is implemented, the petitioner would be entitled to regularization as requested by him. Referring the matter once again to the Labour Court and the Labour Court

adjudicating the matter leads to multiplicity of the litigation and no further useful purpose is going to be served.

The respondent is therefore, directed to implement the order of the Labour Court dated 4-9-1990 regarding the continuity of services of the petitioner consequentially the regularization of his services by keeping in view the punishments, if any, received by the petitioner subsequent to the order of termination dated 25-10-1998 and pass appropriate orders within two months from the date of receipt of a copy of this order.

The writ petition is accordingly, disposed of. No costs.

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31-08-2004

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ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Principal Secretary, Government of Andhra Pradesh, Labour, Employment, Training & Factories (LAB-1) Department, Secretariat, Hyderabad.
2 The Depot Manaager, Andhra Pradesh State Road Transport Corporation, Dharmavaram Depot, Dharmavaram, Anantapur District.

3. 2 CCs to the Government Pleader for Labour, High Court Buildings, Hyderabad (OUT).

4. 2 CD copies.